

Message Text

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ACTION EB-11

INFO OCT-01 EUR-25 ISO-00 CAB-09 CIAE-00 COME-00 DODE-00

DOT-00 INR-10 NSAE-00 RSC-01 FAA-00 L-03 SS-20 NSC-07

USIA-15 SAJ-01 DRC-01 /104 W
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P R 201611Z MAY 74

FM AMEMBASSY VIENNA

TO SECSTATE WASHDC PRIORITY 2858

INFO USMISSION BERLIN

AMEMBASSY BERN

AMEMBASSY BONN

AMEMBASSY LONDON

USMISSION NATO

AMEMBASSY PARIS

AMEMBASSY MOSCOW

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E. O. 11652: N/A

TAGS: ETRN, PGOV, WB, AU, US, DA, SZ

SUBJECT: CIVAIR: BERLIN-VIENNA SERVICE

REFS: (A) STATE 101038 (B) BONN 7888

1. SUMMARY: IN LATEST DISCUSSION WITH GOA ON PROPOSED SERVICE, AUSTRIANS INDICATED THEY COULD CONSIDER OUR REQUEST ONLY IF THERE IS RECIPROCITY, RELATING TO WEST BERLIN-VIENNA ROUTE. SUCH RECIPROCITY COULD BE AUSTRIAN FLIGHTS BY WAY OF CORRIDORS OR OTHER POSSIBILITIES WHICH AUSTRIANS SUGGESTED COULD BE EXPLORED IN DISCUSSIONS BETWEEN THE TWO AIRLINES INVOLVED. WHILE DIALOG REMAINS OPEN ON THIS SUBJECT, IT APPEARS HIGHLY UNLIKELY THAT IT WILL BE RESOLVED BY JUNE 1. UNLESS WE CAN OFFER AUSTRIANS SOMETHING IN RETURN, PROSPECTS DO NOT LOOK PROMISING.

2. ECONCOUNS AND EMBOFF MET THURSDAY MAY 16 AT FOREIGN MINISTRY WITH AMBASSADOR MARQUET TO PURSUE FURTHER PROPOSED BERLIN-
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VIENNA SERVICE. ALSO PRESENT WERE DR. FISCHER, IN CHARGE OF

AVIATION MATTERS AT FOREIGN OFFICE; DR. SEGUR, HIS ASSISTANT;
DR. FOGL, CIVIL AVIATION DEPARTMENT; AND DR. BAMMER OF AUSTRIAN
AIRLINES (AUA).

3. AMBASSADOR HAD PREVIOUSLY CALLED MARQUET TO STRESS IMPORTANCE
USG ATTACHES TO ISSUE AND URGE THAT SOME WAY BE FOUND TO ACHIEVE
OUR OBJECTIVE, WHICH WE THOUGHT WAS IMPORTANT TO AUSTRIANS
AS WELL AS OURSELVES.

4. MARQUET LED OFF BY REITERATING AUSTRIAN UNDERSTANDING
FOR US VIEWS ON BERLIN AND AUSTRIAN DESIRE TO BE HELPFUL.
HOWEVER, HE SAID THAT PROPOSED SERVICE IS NOT WITHIN SCOPE OF
BILATERAL AND THAT UNDER AUSTRIAN AVIATION LAW NO NEW SERVICE
CAN BE GRANTED THAT IS NOT COVERED BY BILATERAL AGREEMENT OR
UNLESS THERE IS "EFFECTIVE RECIPROCITY."

5. DRAWING ON PARA 1, REF A, ECONCOUNS RESPONDED THAT WITH
REGARD TO THE BILATERAL ITSELF WE HAVE NOT CLAIMED THAT IT
WOULD PERMIT TURNAROUND SERVICE IN EXISTING CIRCUMSTANCES.
WHILE US HAD RIGHTS TO OPERATE TO VIENNA VIA BERLIN, OPERATIONAL
DIFFICULTIES INHERENT IN BERLIN'S SITUATION WERE COMPLICATING FACTOR
AND WE HAD HOPED GOA WOULD PERMIT THE EXERCISE OF OUR RIGHTS
IN BROADER MANNER THAN ENVISIONED UNDER BILATERAL ITSELF. WE
WERE NOT CONTESTING GOA INTERPRETATION OF THE BILATERAL BUT
WE HOPED GOA WOULD FIND IT TO BE IN ITS OWN INTEREST TO ACCOMMODATE
OUR REQUEST.

6. WITH REGARD TO "SIXTH FREEDOM," VOGL SAID THERE WERE DIFFERENCES
IN INTERPRETATIONS OF SIXTH AND SEVENTH FREEDOMS AND HE NOW
BELIEVED SERVICE THAT WE ENVISIONED CAME MORE NEARLY UNDER
"SEVENTH FREEDOM." ECONCOUNS POINTED OUT THAT IN ANY CASE
BERLIN WAS A VERY SPECIAL CASE BECAUSE OF FOUR-POWER
OCCUPATION STATUS AND WAS NOT A "THIRD COUNTRY." MARQUET REPLIED
THAT WHILE HE AGREED THAT BERLIN WAS A SPECIAL SITUATION, IN
CONTEXT OF THE BILATERAL AND UNDER AUSTRIAN LAW IT WOULD HAVE
TO BE CONSIDERED AS A THIRD-COUNTRY.

7. FOBL SAID THAT AUSTRIA HAD BEEN VERY LIBERAL IN GRANTING
PERMISSION FOR CHARTER TRAFFIC BETWEEN WEST BERLIN AND AUSTRIA.
HE SAID, HOWEVER, THAT TO GRANT US THE PROPOSED SERVICE UNDER
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THE BILATERAL WOULD SET PRECEDENT AND OTHER COUNTRIES WOULD
SOON BE ASKING FOR EQUALLY LIBERAL INTERPRETATION OF THEIR OWN
BILATERALS WITH AUSTRIA, VOGL ADDED THAT HE HAD HEARD BRITISH
WERE INTERESTED IN WEST BERLIN-ZURICH FLIGHTS AND HE THOUGHT
THEY MIGHT AT SOME POINT ALSO BE INTERESTED IN WEST BERLIN-VIENNA
FLIGHTS. FOGL DID NOT STATE THAT BRITISH HAD ACTUALLY MADE
AN APPROACH TO GOA ON THIS SUBJECT BUT HE WENT ON TO SAY THAT
GRANTING PAN AM BERLIN RIGHTS WOULD MAKE IT DIFFICULT TO REFUSE

REQUESTS FROM OTHER COUNTRIES FOR THIS SERVICE.

8. ON SUBJECT OF A SEPARATE AGREEMENT SUPPLEMENTING THE BILATERAL, FISCHER CITED THE USUAL PROCEDURAL STEPS AND SAID THIS WOULD BE COMPLICATED AND TIME CONSUMING. WE ASKED ABOUT POSSIBILITY OF SIMPLE, ORAL AGREEMENT FOR A TRIAL PERIOD. MARQUET REFERRED BACK TO HIS PREVIOUS REMARKS ABOUT NECESSITY FOR RECIPROCITY UNDER AUSTRIAN LAW.

9. FISCHER CITED SECTION 9, PARAGRAPH 3 OF FEDERAL LAW NO. 393 OF JULY 1973 (REPORTED VIENNA'S A-423 OF JULY 19, 1973), AS REQUIRING STRICT RECIPROCITY. WE POINTED OUT THAT THE ELEMENTS OF RECIPROCITY APPEARED IN WEST BERLIN TO AUA IN 1972. WE HAD DONE THIS PRECISELY BECAUSE OF OUR CONTINUING EFFORTS TO INSURE BERLIN'S POLITICAL AND ECONOMIC VIABILITY BY EXPANDING CITY'S TIES WITH OTHER WESTERN COUNTRIES. WE REMINDED BAMMER, MOREOVER, OF HIS OWN STATEMENT IN BONN IN 1972 THAT BOTH AUA AND GOA WOULD BE AMENABLE TO PROVIDING RECIPROCITY FOR OUR OFFER OF WEST BERLIN TO AUSTRIAN. BAMMER CONTENDED THAT THIS CANNOT BE REGARDED AS RECIPROCITY UNDER AUSTRIAN LAW SINCE THE OFFER CANNOT BE EXERCISED, (A) BECAUSE GDR HAS REFUSED TO PROVIDE OVERFLIGHT RIGHTS, AND (B) BECAUSE, HE SAID, ORIGINAL OFFER CONTAINED RESTRICTIONS WHICH AUSTRIANS DID NOT REGARD AS A FEASIBLE BASIS ON WHICH A NEW SERVICE COULD BE BEGUN.

10. WE POINTED OUT THAT OFFER OF LANDING RIGHTS IN WEST BERLIN TO AUSTRIANS WAS BY NO MEANS THEORETICAL, THAT IT WAS MADE ON EXPECTATION AND ASSUMPTION THAT AUSTRIANS WOULD OBTAIN OVERFLIGHT RIGHTS FROM GDR.

11. WE ASKED STATUS OF OVERFLIGHT QUESTION. FISCHER INDICATED THAT AUSTRIANS HAD MADE SEVERAL EFFORTS TO OBTAIN THESE RIGHTS BUT THAT GDR HAD SO FAR REFUSED TO GRANT THEM. HE SAID AUSTRIANS LIMITED OFFICIAL USE

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HAD SUBMITTED A DRAFT CIVIL AVIATION AGREEMENT TO GDR SOMETIME AGO AS A BASIS FOR OBTAINING THESE RIGHTS. WE ASKED FISCHER WHAT PROSPECTS WERE FOR OBTAINING OVERFLIGHT RIGHTS FROM GDR; HE REPLIED THAT HE DID NOT THINK THEY WERE PROMISING.

12. AUSTRIANS THEN PROCEEDED TO OUTLINE WHAT KIND OF RECIPROCITY THEY HAVE IN MIND. BOTH BAMMER AND VOGL

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DOT-00 INR-10 NSAE-00 RSC-01 FAA-00 L-03 SS-20 NSC-07

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P R 201611Z MAY 74

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INDICATED THAT "NORMAL PROCEDURE" WOULD BE FOR BOTH AIRLINES CONCERNED TO HAVE DISCUSSIONS CONCERNING POSSIBLE WAYS TO ACHIEVE RECIPROCITY. BAMMER SAID IDEAL RECIPROCITY IN EXCHANGE FOR GRANTING BERLIN-VIENNA RIGHTS TO PAN AM, WOULD BE AUSTRIAN FLIGHTS BETWEEN WEST BERLIN AND VIENNA BY WAY OF THE CORRIDORS. WE POINTED TO WELL-KNOWN FACT THAT CORRIDORS HAVE A VERY SPECIAL STATUS, AND WE DID NOT SEE HOW AUSTRIAN USE OF CORRIDORS WOULD BE FEASIBLE. BAMMER AND VOGL INDICATED THAT AUA FLIGHTS THROUGH CORRIDORS WOULD BE ONLY ONE POSSIBILITY AND THAT THERE WERE OTHER POSSIBILITIES THAT MIGHT BE EXPLORED IN CONVERSATIONS BETWEEN THE TWO AIRLINES. VOGL MENTIONED AS AN EXAMPLE "BLOCK CHARTERS." BAMMER SAID RECIPROCITY WOULD HAVE TO RELATE TO WEST BERLIN-VIENNA ROUTE AND "WE DO NOT WANT ANYTHING ELSE." HE POINTED OUT IN THIS CONNECTION THAT AUSTRIA HAS NO PRESENT PLANS FOR FLYING TO THE US. FISCHER ADDED THAT COOPERATION BETWEEN THE TWO AIRLINES IN GENERAL

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WOULD IN LONG RUN BE MUTUALLY ADVANTAGEOUS TO GOA AND USG. (WE TOOK THIS TO BE BROAD HINT THAT PAN

AM SHOULD ADOPT MORE RESPONSIVE ATTITUDE IN ITS RELATIONS WITH AUA.)

13. AMBASSADOR MARQUET STATED AT THIS POINT THAT IF DISCUSSIONS BETWEEN THE TWO AIRLINES WERE TO PROVE FRUITFUL, THE GOA WOULD GIVE "FULL SUPPORT" TO ANY AGREEMENT WORKED OUT. WE REITERATED TO AUSTRIANS THAT IT IS USG AND NOT PAN AM WHICH IS REQUESTING GOA ASSISTANCE, AND THAT, QUITE APART FROM ANY DISCUSSIONS WHICH MIGHT TAKE PLACE BETWEEN AIR LINES, OUR REQUEST WAS GOVERNMENT-TO-GOVERNMENT, AND WAS BASED ON CONSIDERATIONS GOING FAR BEYOND NARROW AVIATION INTEREST, THAT IS, BERLIN VIABILITY, ETC.

14. ONA CASE WAS NOT RAISED BY AUSTRIANS.

15. ECONCOUNS INDICATED THAT WE WOULD REPORT AUSTRIAN VIEWS TO WASHINGTON AND WOULD BE BACK IN TOUCH WITH THEM AT AN EARLY DATE. WE AGAIN STRESSED USG DESIRE TO FIND WAY FOR PAN AM BERLIN-VIENNA SERVICE AND EXPRESSED DESIRE BOTH GOVERNMENTS CONTINUE DIALOGUE. MARQUET REPLIED HE WOULD CERTAINLY KEEP MATTER OPEN AND THAT HE WOULD BE HAPPY TO DISCUSS WITH EMBASSY USG COMMENTS ON GOA POSITION, PARTICULARLY ON THEIR SUGGESTION FOR PAN AM-GOA COOPERATION.

16. COMMENTS: AUSTRIANS OBVIOUSLY ARE NOT WILLING TO ACCOMMODATE OUR POLITICO-ECONOMIC OBJECTIVES TOWARDS WEST BERLIN WITHOUT A CONCRETE RECIPROCAL ELEMENT. FROM GOA VIEWPOINT BERLIN'S SPECIAL STATUS IS SIMPLY NOT A SUFFICIENTLY STRONG OR OVERRIDING ARGUMENT TO PROMPT THEM TO AGREE TO A SPECIAL INTERPRETATION OF THE CIVIL AIR BILATERAL OR TO AMEND THE BILATERAL IN SOME WAY TO PERMIT THE PROPOSED PAN AM SERVICE. THEY ARE CONCERNED ABOUT PRECEDENT AND PROSPECT THAT OTHER AIRLINES SUCH AS BRITISH AIRWAYS MAY BE KNOCKING AT THEIR DOOR REGARDING BERLIN. MORE IMPORTANTLY, AUA HAS NO INTENTION OF GIVING US A SHARE OF THE POTENTIAL WEST BERLIN-VIENNA BUSINESS WITHOUT GETTING LIMITED OFFICIAL USE

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A PIECE OF THE ACTION.

17. EVEN THOUGH GOA STATES IT HAS CONTINUED TO TRY TO GET GDR CONCURRENCE FOR OVERFLIGHT RIGHTS, IT DOES NOT SEEM LIKELY THAT SUCH APPROVAL WILL BE FORTHCOMING IN NEAR FUTURE.

18. FROM GOA VIEWPOINT, ONLY WAY IN WHICH THEY CAN ACCOMMODATE OUR REQUEST IS THROUGH A RECIPROCAL

ARRANGEMENT OF SOME KIND RELATING TO THE PROPOSED VIENNA-WEST BERLIN SERVICE. TO THE EXTENT THAT THIS MIGHT MEAN A ROUTE-SHARING PROPOSITION, THE DIFFICULTY IS, OF COURSE, USE OF THE CORRIDORS WHICH, AS WE UNDERSTAND IT, ARE NOT OPEN TO AIRLINES EXCEPT THOSE FROM THE BERLIN FOUR POWERS. NEVERTHELESS, WE SUGGEST AIR CORRIDOR SITUATION BE REVIEWED TO DETERMINE WHETHER THERE MIGHT NOT BE SOME WAY TO PERMIT AN ARRANGEMENT SUCH AS THAT APPARENTLY ENVISAGED BY AUA.

19. AUA APPEARS ANXIOUS TO BRING ABOUT A CLOSER, COOPERATIVE RELATIONSHIP WITH PAN AM, AND QUITE ASIDE FROM ONA MATTER, MAY FEEL THAT OUR BERLIN PROPOSAL OFFERS AN OPPORTUNITY FOR SUCH DIALOGUE.

20. ISSUE REMAINS OPEN WITH GOA. HOWEVER, GIVEN PRESENT GOA POSITION, AND FRG RESERVED REACTION TO BONN'S APPROACH (BONN 07888), IT APPEARS VERY UNLIKELY THAT MATTER CAN BE RESOLVED BY JUNE 1.

21. REQUEST DEPARTMENT'S COMMENTS.HUMES

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
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Control Number: n/a
Copy: SINGLE
Draft Date: 20 MAY 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: golinofr
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
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Document Source: CORE
Document Unique ID: 00
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Enclosure: n/a
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Film Number: D740124-0971
From: VIENNA
Handling Restrictions: n/a
Image Path:
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Legacy Key: link1974/newtext/t19740532/aaaabcfw.tel
Line Count: 298
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Review Authority: golinofr
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